

§ 401.84

traffic controller and it shall not resume its voyage without the traffic controller's permission.

[73 FR 9954, Feb. 25, 2008]

§ 401.84 Reporting of impairment or other hazard by vessels transiting within the Seaway.

While transiting the Seaway, the master of a vessel shall immediately report to the nearest Seaway station:

(a) Any condition of the vessel that might impair its ability to transit safely and expeditiously;

(b) Any hazardous condition of the vessel;

(c) Any malfunction on the vessel of equipment required by §§ 401.5 to 401.19 and subsections (e) through (j) of Schedule I of subpart A of this Part;

(d) Any difficulty on the part of the vessel in controlling its tow or tows;

(e) Any hazard, dangerous situation or malfunctioning aid to navigation which has not been published in a Notice to Mariners;

(f) Any loss of anchor with particulars of the precise location of the loss; and

(g) Any location where visibility is less than one nautical mile.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[45 FR 52380, Aug. 7, 1980, as amended at 47 FR 51124, Nov. 12, 1982; 61 FR 19552, May 2, 1996; 65 FR 52915, Aug. 31, 2000]

§ 401.85 Reporting of impairment or other hazard by vessels intending to transit the Seaway.

The master of any vessel which intends to transit the Seaway shall report to the nearest Seaway Station, prior to entering the Seaway, any of the conditions set out in paragraphs (a) through (d) of § 401.84.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[45 FR 52380, Aug. 7, 1980]

DETENTION AND SALE

§ 401.86 Security for damages or injury.

An officer may detain a vessel that causes:

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(a) Damage to property of the Corporation;

(b) Damage to goods or cargo stored on property of the Corporation; or

(c) Injury to employees of the Corporation; until security satisfactory to the Corporation has been provided.

[39 FR 10900, Mar. 22, 1974, as amended at 65 FR 52915, Aug. 31, 2000]

§ 401.87 Detention for toll arrears or violations.

(a) An officer may detain a vessel where:

(1) The tolls or charges levied against the vessel have not been paid; or

(2) A violation of these Regulations has taken place in respect of the vessel.

(b) A vessel detained pursuant to paragraph (a)(1) of this section shall be released when the unpaid tolls or charges are paid.

(c) A vessel detained pursuant to paragraph (a)(2) of this section may be released when a sum of money in an amount, determined by the Corporation to be the maximum fine or civil penalty that may be imposed for the violation in respect of which the vessel has been detained, is deposited with the Corporation as security for the payment of any fine or civil penalty that may be imposed.

(d) Where a sum of money has been deposited pursuant to paragraph (c) of this section, the Corporation may:

(1) Return the deposit;

(2) Hold the deposit in trust as security for the payment of any fine that may be imposed; or

(3) Retain the deposit if the depositor agrees to retention by the Corporation of the sum deposited.

(e) Although the depositor may have agreed to retention by the Authority of an amount deposited under paragraph (c) of this section, he may bring an action for the recovery of the amount deposited on the ground that there has been no violation of the regulations in this part.

[39 FR 10900, Mar. 22, 1974, as amended at 65 FR 52915, Aug. 31, 2000]

§ 401.88 Power of sale for toll arrears.

(a) Where a vessel has been detained pursuant to § 401.87(a) and payment of

the tolls and charges or the fine imposed has not been made within a reasonable time after

(1) The time of the detention, in the case of arrears of tolls and charges, or

(2) The imposition of the fine or penalty, in the case of a violation, the Corporation may direct that the vessel or its cargo or any part thereof be seized and sold subject to and in accordance with an order of a court of competent jurisdiction.

(b) The Corporation may, after giving such notice as it deems reasonable to the representative of the vessel, sell the vessel or cargo seized pursuant to paragraph (a) of this section.

(c) An amount equal to the cost of the detention, seizure and sale, and

(1) The tolls and charges payable, or

(2) The fine or penalty imposed on conviction, shall be deducted from the proceeds of a sale pursuant to paragraph (b) of this section, and the balance shall be paid to the owner of the vessel or cargo or the mortgagee thereof, as the case may be.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 41 FR 12227, Mar. 24, 1976; 47 FR 51124, Nov. 12, 1982; 65 FR 52915, Aug. 31, 2000]

GENERAL

§ 401.89 Transit refused.

(a) An officer may refuse to allow a vessel to transit when,

(1) The vessel is not equipped in accordance with §§ 401.5 to 401.19 and subsections (e) to (j) of Schedule I of subpart A of this part when transiting the Canadian waters of the Seaway;

(2) The vessel, its cargo, equipment or machinery are in a condition that will prevent safe or expeditious transit by that vessel; or

(3) The vessel is manned with a crew that is incompetent or inadequate.

[39 FR 10900, Mar. 22, 1974, as amended at 61 FR 19552, May 2, 1996; 65 FR 52915, Aug. 31, 2000]

§ 401.90 Boarding for inspections.

(a) For the purpose of enforcing these Regulations in this part in both Canadian and U.S. waters, an officer may board any vessel and:

(1) Examine the vessel and its cargo; and

(2) Determine that the vessel is adequately manned.

(b) In addition to § 401.90(a)(1) and (2) in Canadian waters, a Manager's officer may also:

(1) Require any person appearing to be in charge of the vessel to produce for inspection, or for the purpose of making copies or extracts, any log book, document or paper; and

(2) In carrying out an inspection:

(i) Use or cause to be used any computer system or data processing system on the vessel to examine any data contained in, or available to, the system;

(ii) Reproduce any record, or cause it to be reproduced from the data, in the form of a print-out or other intelligible output and remove the print-out or other output for examination or copying; and

(iii) Use or cause to be used any copying equipment in the vessel to make copies of any books, records, electronic data or other documents.

(c) In Canadian waters, the owner or person who is in possession or control of a vessel that is inspected, and every person who is found on the vessel, shall:

(1) Give the officer all reasonable assistance to enable the officer to carry out the inspection and exercise any power conferred by the Canada Marine Act; and

(2) Provide the officer with any information relevant to the administration of these practices and procedures that the officer may reasonably require.

(d) Vessels shall provide a safe and approved means of boarding. Pigeon holes are not accepted as a means of boarding and an alternate safe means of access shall be provided.

[65 FR 52915, Aug. 31, 2000; 65 FR 56486, Sept. 19, 2000, as amended at 75 FR 10690, Mar. 9, 2010]

§ 401.91 Removal of obstructions.

The Corporation or the Manager may, at the owner's expense, move any vessel, cargo, or thing that obstructs or hinders transit on any part of the Seaway.

[61 FR 19552, May 2, 1996, as amended at 65 FR 52915, Aug. 31, 2000]